



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

MINUTES  
of  
BOARD MEETING  
Held on  
December 6, 2010

Meeting Location: Weston & Sampson Engineers  
5 Centennial Drive  
Peabody, Mass.

Prepared by: T. Wood

[Approved: February 7, 2011]

**List of Documents Used at the Meeting:**

1. Agenda
  2. Draft Minutes of Meeting held on September 27, 2010
  3. Application Docket
  4. Renewal Dockets
  5. Memo regarding destruction of some paper files that are now available in electronic format
  5. Draft FY-2011 Program Priorities
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1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at approximately 1:38 p.m. The other Board members present were Gail Batchelder, Kirk Franklin, Deborah Farnsworth, Jack Guswa, Gretchen Latowsky, Robert Luhrs, Debra Stake. Kelley Race was not present in the room when the meeting started. She joined the meeting at approximately 1:50 p.m. Board members absent: Christophe Henry. The LSP Board staff members present were Lynn Read, Terry Wood and Al Wyman. Also present was Wes Stimpson of the LSP Association.
  2. **Announcements:** None.
  3. **Agenda:** The following items were added to the agenda under New Business: 13. C. 1. Status of the Document Destruction Project, and 13. C. 2. Discussion of the LSP Board Course held at the UMass Soils Conference in October.
  4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on September 27, 2010. **A motion was made and seconded to approve the minutes with minor edits. The motion was approved unanimously.**

5. **Decisions Regarding Licensing of Applicants:** The staff presented the following Application Docket:

ID #	Applicant Name/Company Name	ARP #	REC.
2759	Kenneth E. Czoer, Applied Science and Technology, LLC, Tampa, FL	232	A

A motion was made and seconded to accept the recommendation from Application Review Panel #232, i.e., that the application submitted by Mr. Czoer be approved and that he be found eligible to take the exam. The motion was approved unanimously.

6. **License Renewal Applications:**

**A. Renewal Dockets.** The staff presented the following License Renewal Dockets:

**Renewal Docket #1**  
**Renewal Date: October 30, 2010**  
**New Renewal Date: October 30, 2013**

Completed all requirements for renewal.

<u>LSP#</u>	<u>Last</u>	<u>First</u>
1203	Kulbersh	Michael
1580	Jason	Susan
2248	Zylich	Michael
2563	Postma	Frank
2608	Haederle	Patricia
3635	Hevner	Thomas
3984	Doherty	James
4303	Bennett	David
5408	Bakinowski	Andrew
5736	Butler	Brian
5830	McDermott	Kenneth
6889	Koll	Caron
7303	Charron	Steven
7730	Leifer	Anne
8744	Murphy	Kathleen
9285	Bursaw	Margaret
9536	Armstrong	Marylou
9993	Toder	Daniel
9999	Beaulieu	Paul

**Renewal Docket #2**

**Renewal Date: October 30, 2010**  
**Extension Date: January 28, 2011**

Requesting a 90-day extension:

1. John McHugh #1808

**Renewal Docket #3**  
**Renewal Date: July 30, 2010**  
**New Renewal Date: July 30, 2013**

Has completed all requirements for renewal  
within the 90-day extension:

1. Matthew Dentch #6658
2. Richard Hughto #2261
3. Christopher Mariano #9197
4. Marilyn Wade #4513

A motion was made and seconded to renew the licenses of LSPs on Renewal Dockets #1, #2, and #3 for a three-year period ending on the dates indicated. The motion was approved unanimously.

**B. Other Renewal-related Matters.** The staff reported that no waiver requests had been received since the previous meeting. The other renewal-related matter was a request for conditional renewal of the license of LSP **Charles J. McCreery** (#9090) which is discussed below in the Continuing Education Committee Report.

**7. Other Licensing-Related Matters:**

**A. New Panel Assignments and Scheduling.** The following Board members were assigned to Application Review Panel #235: Ms. Stake, Mr. Franklin and Ms. Batchelder. The following Board members were assigned to Application Review Panel #236: Mr. Luhrs, Ms. Latowsky and Ms. Farnsworth.

**B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

**C. Inactive Status Report.** The staff reported that there have been no changes since the last meeting. A total of 4 LSPs are currently on Inactive Status.

**D. Did Not Renew.** The staff reported that **Charles J. McCreery** (#9090) did not renew his license within the 90-day extension period he had been granted. Therefore, his license expired at c.o.b. on 10/30/10.

The staff also reported that the following LSPs had failed to renew and their licenses expired on 10/30/10:

**Kelly M. Hansel** (#8467)  
**Robert M. Donati** (#5878)  
**James M. Elliott** (#6914)

**E. Total Number of Active LSPs.** The staff reported that the total number of Active LSPs as of the date of this meeting was 551.

8. **Examinations:**

**A. New Licensees.** The staff reported that the LSP examination was administered on December 1, 2 and 3, 2010. The staff reported that Ron Viola, the Board's former Program Coordinator who now works at the Executive Office of Energy and the Environment (EEA), was loaned back to the Board to help with administration of the exam. The staff reported that the exams given last week had not yet been scored.

**B. Date of Next Exam.** In response to questions from the Board, the staff reported that giving the exam on three consecutive days had worked well and could serve as a model going-forward. The Board suggested that the staff plan to give exams two times per year and each time on several consecutive days to accommodate the number of people wanting to take the exam. The Board suggested that the staff plan to give the next LSP exam at some dates around June 2011 that are convenient for staff and when the training room at MassDEP would be available. The Board also instructed the staff to put a notice on the Web site stating that the exam will be offered twice per year, to also note that information in letters sent to approved applicants and to people who failed the LSP exam, and to note this change as part of an LSPA article.

9. **Continuing Education Committee Report:**

**A. Course and Conference Approval Requests.** Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: MASSDEP  
Course Title: WERO Night  
Credits Requested: 2 DEP Regulatory Credits  
Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: MIDWEST GEOSCIENCES  
Course Title: Various Webinars  
Credits Requested: (1.0 to 1.5 non-DEP Technical Credits).  
Committee Recommendation: The presenter requested approval of 24 Webinars, each to be offered via two methods, "Live" and "On-Demand." **The Continuing**

**Education Committee recommended the Board conditionally approve 20 of the 24 Webinars. The conditions are as follows:**

- The Board's Continuing Education Coordinator must first review and approve the credentials of the instructors for each Webinar.
- The On-Demand version of each course include an exam and LSP Credits be granted only after a 100% passing score is achieved.
- The Live version of each course also include an exam and LSP Credits be granted only after a 100% passing score.
- 100% uninterrupted attendance at the Live Webinars required as confirmed by attendance sheets maintained by Midwest Geosciences pursuant to 309 CMR 3.09(5).

**The 20 Webinars recommended for conditional approval are:**

<b>Workshop Name</b>	<b><u>Credits</u></b>
<b>Boring Logs: Making Soil Descriptions That are Complete, Accurate and Effective</b>	<b>1.5</b>
<b>Rock Core Logging for Hydrogeologic Projects: Assessing Recovery, RQD, Fractures and Stratigraphy</b>	<b>1.5</b>
<b>Hydrogeology of Aquitards and Low-Permeability Materials, Part 1: Analyzing Aquitard Integrity for Water Resources Protection and Contaminated Sites</b>	<b>1.5</b>
<b>Hydrogeology of Aquitards and low-permeability Materials, Part 2: Analyzing Head Distributions and Vertical Hydraulic Gradients</b>	<b>1.5</b>
<b>Ethics for Geologists and Engineers: Realizations of Everyday Decisions and Common Behaviors.</b>	<b>1.5</b>
<b>Slug Testing for Site Characterization: Practical Guidelines for Improving Efficiency and Accuracy</b>	<b>1.5</b>
<b>Pumping Tests for Aquifer Evaluation Part 1: Some Practical Guidelines to Get More from your Test Data</b>	<b>1.5</b>
<b>Pumping Tests for Aquifer Evaluation Part 2: Fundamentals of Pumping Test Interpretation</b>	<b>1.5</b>
<b>Pumping Tests for Aquifer Evaluation Part 3: Understanding Well Hydraulics through Step Tests</b>	<b>1.5</b>
<b>Pumping Tests for Aquifer Evaluation Part 4: Handling Data from Tests with Variable Pumping Rates and Interpreting Recovery Test Data</b>	<b>1.5</b>
<b>Anaerobic Attenuation of Petroleum Contamination: Advances and New Trends in Measuring Natural Attenuation</b>	<b>1.5</b>
<b>Environmental Forensics and Chemical Fingerprinting: Assessing Analytical Methods and</b>	<b>1.5</b>

<b>Understanding Hydrocarbon Chemistry</b>	
<b>Glacial Sequences Part 1: Deciphering Stratigraphy and Depositional Environments</b>	<b>1.5</b>
<b>Glacial Sequences Part II: Understanding the Effects of Post-Depositional Weathering: Development of Weathering Zones and Secondary Jointing</b>	<b>1.5</b>
<b>Managing Unanticipated Subsurface Conditions in the Field: Confident Characterizations When Budgets Matter Most</b>	<b>1.5</b>
<b>Pharmaceuticals in Ground Water: Understanding the Environmental Fate of Drugs in the Water</b>	<b>1.5</b>
<b>LNAPL Transmissivity as a Metric: The Future in Tracking LNAPL Recovery Progress</b>	<b>1.5</b>
<b>Understanding LNAPL in Fine Grained Soil: Convention, Misconceptions and New Advances</b>	<b>1.5</b>
<b>Karst Characterization using Geophysics, Part 1: Effective Geophysical Methods for Karst</b>	<b>1.5</b>
<b>Karst Characterization using Geophysics, Part 2: Do's and Don't's Through Case Histories and Examples</b>	<b>1.5</b>

The 4 Webinars recommended for denial are:

<b>How to be an Effective Expert Witness: For Environmental and Engineering Professionals</b>	<b>1.5</b>
<b>Marketing &amp; Business Relationships: The Key to Your Company's Future and Your Personal Success</b>	<b>1.5</b>
<b>Improved Project Communication: you and Others Within and Outside of the Project Team: Owners, Consultants and Regulators</b>	<b>1.0</b>
<b>Avoiding Scope Creep: Methods to Prevent Financial Erosion and Improve Your Project Management Skills</b>	<b>1.0</b>

A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.

**B. Other Business:**

The license of **Charles J. McCreery** (#9090) expired at the close of business on October 30, 2010 for failing to renew after a 90-day extension. Mr. McCreery sent a letter to the Board stating that he plans to attend a course on December 14, 2010 that would give him the remaining credits he needs to renew and requested the Board conditionally renew his license as of the date he provides the necessary renewal paperwork. The committee recommended that the Board approve this request. **A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.**

Susan Fessenden of MassDEP submitted a request that the Board allow MassDEP to issue signed Board Certification forms for MassDEP courses that have not been pre-approved for Continuing Education credit. She said it is possible that a MassDEP course could be developed and presented before the Board had an opportunity to approve it at a meeting.

After discussion, the Committee recommended the Board approve the following:

- MassDEP continue to submit course requests for approval to the Continuing Education Coordinator and the requests be subject to review and approval confirmation by the Board at the next Board meeting with the following exceptions:
  - For courses presented at MassDEP regional offices, the Committee recommends that MassDEP be allowed to continue to offer any previously-approved course without any additional Board approval except, in instances where a difference instructor will be presenting the course, MassDEP must submit a new instructor bio to the Continuing Education Coordinator for review and approval.
  - In situations where a new MassDEP course is scheduled to be offered at a MassDEP regional office prior to the next scheduled Board meeting, the Committee recommends that approval authority be granted to the Continuing Education Committee Chairperson or Acting Chairperson to approve for continuing education credit any course presented at a MassDEP regional office that is directly related to the MCP. This approval is contingent upon the course presenter(s) meeting all other requirements of 309 CMR 3.09(6).

**Ms. Commerford recused herself and left the room prior to a motion being made. A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously. Ms. Commerford reentered the meeting.**

10. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.

**11. Personnel, Budget, and Fees**

**A. Personnel Update.** Ms. Commerford reported that the Board staff was still composed of three people. The Board members suggested planning a meeting in the near future with newly-appointed EEA Secretary Sullivan to discuss the need for additional Board staff .

**B. Budget.** There have been no changes to the Board's budget.

**C. Fees.** The staff reported that in January they will send out annual fee notices to all LSPs and renewals to more than 200 LSPs.

**12. Status of Board Member Replacements by Governor:** Ms. Commerford stated that she is going to confirm whether the packages for the two candidates for the Board were sent from EEA to the Governor's office. If the packages have not been forwarded, she will resubmit them in January.

**13. Other Business:**

**A. Update re: destruction of paper copies of some archived Board documents.** Mr. Wyman passed out a hand-out listing the boxes of LSP Board archived files that the state records commission has approved for destruction considering these documents are also now available in digital format. Mr. Wyman requested permission from the Board to destroy the files that the records commission has approved for destruction. **A motion was made and seconded to approve the request. The motion passed unanimously.**

**B. Review draft FY-2011 Program Priorities.** The Board discussed the draft. After discussion, a motion was made and seconded to approve the draft with minor edits. The motion passed unanimously.

**C. Discussion of the LSP Board Course held in October at the UMass Soils Conference.** Ms. Commerford stated that she had presented the three-hour course with Ms. Batchelder, Mr. Guswa, Mr. Luhrs and Ms. Race. She said that approximately 30 people attended the course and the attendees were able to use audience voting equipment which helped to sustain interest over the three hours. She said the course was comprised of a half-hour overview of the Board's disciplinary process, a snippet portion where issues from past disciplinary cases were discussed, followed by two case studies (one shorter and one longer). For the longer case study, the participants were split into two groups to consider what violations they believed were committed by the LSP and what level of discipline might be appropriate.

The Board discussed the possibility of extending some version of this course from three hours to four with a plan to offer it for continuing education credit again in the near future, preferably at a location where audience voting equipment would be available. The Board discussed that the course subcommittee should be reconvened to plan the upcoming course. The following Board members expressed interest in being



part of the subcommittee: Ms. Commerford, Ms. Race, Ms. Batchelder, and Ms. Latowsky. Ms. Wood and Mr. Wyman expressed that they would assist the subcommittee as needed. The subcommittee planned to have a meeting the morning of the February Board meeting.

D. **Topic for next article in the *LSPA News*.** The Board suggested that a future article note that the Board will likely be offering the LSP exam two times per year and the next exam would likely be around June.

E. **Other New Business.** There was no other new business.

14. **Scheduling of Next Meeting:** The Board is scheduled to meet on February 7<sup>th</sup> at a location to be determined.

15. **Enter Executive Session:** A motion was made and seconded that the Board enter Executive Session for the purpose of discussing contract strategy and thereafter to adjourn and not return to public session. The motion was approved 9-0 on a roll call vote. Ms. Commerford conducted a roll-call vote. Each member present voted as follows:

Ms. Batchelder	Aye	Ms. Latowsky	Aye
Ms. Commerford	Aye	Mr. Luhrs	Aye
Ms. Farnsworth	Aye	Ms. Race	Aye
Mr. Frankin	Aye	Ms. Stake	Aye
Mr. Guswa	Aye		

At approximately 3:15 p.m. the Board entered into Executive Session.